

Protect Democracy

July 29, 2022

BY ECF

The Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *National Coalition on Black Civic Participation, et al. v. Wohl et al.*, No. 1:20-cv-8668

Dear Judge Marrero:

Protect Democracy Project (“Protect Democracy”) respectfully moves through this letter for leave to submit an *amicus curiae* brief in support of Plaintiffs’ and Plaintiff-Intervenor’s Motion for Summary Judgment with respect to the federal law claims in this case.¹

Given that there is no applicable rule of civil procedure governing *amicus curiae* briefs, “[d]istrict courts have broad discretion to permit or deny an appearance as *amicus curiae* in a case.” *In GLG Life Tech Corp. Securities Litigation*, 287 F.R.D. 262, 265 (S.D.N.Y. Nov. 9, 2012) (internal quotation marks omitted). “An *amicus* brief should normally be allowed . . . when the *amicus* has unique information or perspective that can help the court.” *Citizens Against Casino Gambling in Erie County v. Kempthorne*, 471 F. Supp. 2d 295, 311 (W.D.N.Y. 2007).

Protect Democracy is a nonpartisan, nonprofit organization dedicated to preventing our democracy from declining into a more authoritarian form of government. It engages in litigation and other advocacy to protect free and fair elections and to ensure that all Americans are able to exercise their constitutional right to vote.

Protect Democracy has litigated extensively regarding voter intimidation. In particular, Protect Democracy has expertise in Section 11(b) of the Voting Rights Act, Section 131(b) of the

¹ No party’s counsel authored this brief in whole or in part; no party or party’s counsel contributed money that was intended to fund preparing or submitting this brief; and no person other than the *amicus curiae* or its counsel contributed money that was intended to fund preparing or submitting this brief.

Protect Democracy Project is a nonprofit organization with no parent corporation and in which no person or entity owns stock.

Civil Rights Act of 1957, and Section 2 of the Ku Klux Klan Act. Protect Democracy submits this brief to provide the Court with additional expertise in interpreting these statutes. Plaintiffs and Plaintiff-Intervenor consent to this motion. Defendants do not object to this motion.

Accordingly, *amicus curiae* respectfully requests that this Court grant leave to file an *amicus curiae* brief in this matter, which is attached.

Respectfully Submitted,

/s/ Rachel F. Homer
Rachel F. Homer*

**pro hac vice* admission pending
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